

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

L & W, INC., a Michigan corporation,

Plaintiff,

Case No. 01-73892

v.

Hon. John Corbett O'Meara

SHERTECH, INC., a Missouri corporation,
and STEVEN W. SHERIDAN, an
individual,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION IN LIMINE

Before the court is Plaintiff's motion in limine to exclude certain expert testimony, filed August 6, 2007. Defendant Shertech submitted a response on August 20, 2007. Pursuant to LR 7.1(e)(2), the court will decide this matter without oral argument and based upon the papers submitted.

This case has been remanded to this court based upon an opinion issued on December 14, 2006, from the United States Court of Appeals for the Federal Circuit. The Federal Circuit reversed the judgment of infringement against L & W and remanded for further proceedings as to that issue. As a result of guidance provided by that decision, Shertech seeks to supplement the report and testimony of its technical expert, Dr. John W. Holmes. L & W objects to the inclusion of any new information in Dr. Holmes's report as untimely.

Based upon the guidance provided by the Federal Circuit, the court will exercise its discretion to allow Shertech to supplement its expert report. Shertech will produce Dr. Holmes for a deposition at a mutually convenient time as soon as possible in advance of trial. The court

will also consider a relatively short adjournment of the September 25, 2007 trial date, if necessary.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Dated: August 28, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 29, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager